

Message Text

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ACTION SS-25

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FM AMEMBASSY CAIRO

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AMEMBASSY TEL AVIV

C O N F I D E N T I A L CAIRO 2300

EXDIS

E.O;11652: GDS

TAGS: PFOR MARR OTRA

SUBJECT: SINAI FIELD MISSION PRIVILEGES AND IMMUNITIES

REF: (A) CAIRO 1783, (B) CAIRO 1783, (C) STATE 31803

1. WHAT I HAD FEARED HAS COME TO PASS, EGYPTIANS WANT AN EXCHANGE OF NOTES SPECIFYING PRIVILEGES AND IMMUNITIES MENTION IN PARA 6 OF US PROPOSAL.

2. AS PREVIOUSLY REPORTED, UNDER SECRETARY AHMED OSMAN, WHO PARTICIPATED IN ALEXANDRIA TALKS, HAS BEEN CHARGED BY FAHMY WITH HANDLING THIS SUBJECT. I WAS FINALLY ABLE TO MEET WITH HIM TODAY TO DISCUSS IT. OSMAN INDICATED HE HAD EXPRESSED HIS CONCERN TO FAHMY THAT BOTH F US SHOULD HAVE WAITED UNTIL NOW, THE LAST MINUTE, TO NEGOTIATE THE NECESSARY EXCHANGE OF NOTES. IT SHOULD HAVE BEEN BEGUN IMMEDIATELY AFTER THE SINAI II AGREEMENT WENT INTO EFFECT. IN ANY CASE, AN EXCHANGE OF NOTES IS NECESSARY SPELLING OUT THE SPECIFIC PRIVILEGES AND IMMUNITIES MENTIONED IN PARA 6 AND SPECIFYING THE PEOPLE WHO WILL BENEFIT FROM THEM. EXCHANGE SHOULD BE NEGOTIATED WITH LEGAL ADVISOR FAWZI IBRAHIM, WHO ALSO PARTICIPATED IN ALEXANDRIA TALKS AND KNOWS BACKGROUND OF PARA 6. I SAID IT WAS OUR VIEW THAT PARA 6 OF US PROPOSAL, CONFIDENTIAL

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WHICH GOE HAD ACCEPTED, OUGHT TO SUFFICE. OSMAN

DISAGREED AND INSISTED HE HAD SO INDICATED IN ALEXANDRIA TALKS. OSMAN ASSERTED THAT GOE STANDS BY ITS COMMITMENTS AND THAT EVERYTHING IT AGREED TO AT ALEXANDRIA WILL BE ACCORDED.

3. IN THIS CONTEXT, HOWEVER, HE INSISTED THAT GOE CAN ONLY ACCEPT THE TERM "UNITED STATES PERSONNEL" AS USED IN PARA 6. FOR POLITICAL REASONS, IT WILL TAKE NO RPT NO OFFICIAL COGNIZANCE OF SUCH TERMS AS "SINAI FIELD MISSION" AND "SINAI SUPPORT MISSION." GOE CAN HAVE NO OBJECTION TO USG USING SUCH DESIGNATIONS FOR ADMINISTRATIVE PURPOSES, BUT HE REITERATED THAT GOE RECOGNIZES ONLY "UNITED STATES PERSONNEL." SINAI II HAS GIVEN EGYPT ENOUGH POLITICAL HEADACHES. IN IMPLEMENTING THE PROVISIONS OF PARA 6 OF THE US PROPOSAL, GOE DOES NOT WANT TO LEAVE ITSELF OPEN TO CHARGES AT HOME AND ABROAD THAT SOMETHING AKIN TO THE "CAPITULATIONS" HAS BEEN ACCEPTED. AS WE WERE AWARE, THIS IS A VERY TOUCHY POINT ABOUT WHICH GOE HAS STRONG FEELINGS.

4. OSMAN EMPHASIZED THAT GOE DOES NOT REGARD "UNITED STATES PERSONNEL" (READ SFM) AS DIPLOMATS. THEY HAVE NO RPT NO REPRESENTATIVE STATUS AND, SO FAR AS GOE IS CONCERNED, IT WOULD BE POLITICALLY UNWISE TO GIVE THEM SUCH A STATUS. THUS, GOE WILL NOT GIVE CD LICENSE PLATES OR DIPLOMATIC ID CARDS TO SUCH PERSONNEL OR THEIR DEPENDENTS. NOR WILL IT LIST THEM IN ANY WAY ON THE DIPLOMATIC LIST. DOING SO WOULD CALL UNNECESSARY ATTENTION TO THE EXISTENCE OF THE GROUP, WHICH GOE WANTS TO PLAY IN LOWEST POSSIBLE KEY. HE RECALLED THAT, DURING ALEXANDRIA TALKS, MONROE LEIGH HAD SUGGESTED A REFERENCE TO THE VIENNA DIPLOMATIC CONVENTION. HE, OSMAN, HAD REJECTED THIS ON GROUNDS THAT THE U.S. TEAM ARE NOT DIPLOMATS. NOWHERE IN PARA 6 IS THERE ANY REFERENCE TO DIPLOMATS AND THE OMISSION OF ANY SUCH TERM WAS DELIBERATE. ASKED IF HE WOULD LIKE TO HEAR HOW ISRAELIS ARE HANDLING SFM, OSMAN SAID THIS WAS OF NO CONCERN TO HIM.

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5. THIS SAID, OSMAN REITERATED GOE'S INTENTION TO ACCORD ALL THE PRIVILEGES AND IMMUNITIES WHICH ARE IN PARA 6. IT WAS HIS UNDERSTANDING THAT GENERAL MAGHDOUN IS ALREADY ARRANGING TO ISSUE MILITARY ID CARDS TO THE SFM MEMBERS. WE CAN ALSO WORK OUT WITH THE MILITARY AND LEGAL ADVISOR'S OFFICE (IBRASHI) APPROPRIATE LICENSE PLATES. FOR EXAMPLE,

PERHAPS A CP (CIVILIAN PERSONNEL) LICENSE TAG MIGHT BE DEvised. IN ANY CASE, THESE DESIGNATIONS SHOULD BE WORKED OUT WITH THE LEGAL ADVISOR AND MAGHDoub WHILE THE EXCHANGE OF NOTES IS BEING NEGOTIATED. HE ASSURED ME THAT GOE WILL EXPEDITE NEGOTIATION AND CONCLUSION OF THE DESIRED EXCHANGE OF NOTES.

6. I POINTED OUT TO OSMAN THAT WE HAVE AN IMMEDIATE PRACTICAL PROBLEM. SEVERAL OF THE WIVES OF THE SFM MEMBERS ARE ALREADY RESIDENT IN CAIRO AND THEIR PERSONAL EFFECTS ARE WAITING TO BE CLEARED AT AIRPORT CUSTOMS. ALTHOUGH WE HAVE SENT NOTE TO MFA LISTING PERSONNEL, INCLUDING WIVES, PROTOCOL HAS THUS FAR REFUSED TO GRANT NECESSARY CLEARANCES ON GROUNDS IT DOES NOT KNOW STATUS OF THESE PEOPLE. I ASKED THAT SPECIAL, PROVISIONAL ARRANGEMENTS BE WORKED OUT IMMEDIATELY TO HELP CLEAR THEIR EFFECTS WITHOUT FURTHER DELAY PENDING SUCH EXCHANGE OF NOTES. OSMAN AGREED AND SAID HE WOULD INSTRUCT LEGAL ADVISOR AND PROTOCOL OFFICES TO WORK WITH US TO CLEAR THESE EFFECTS WITHOUT DELAY.

7. RECOMMENDATION: RECOMMEND DEPT DRAFT TEXT OF A PROPOSED EXCHANGE OF NOTES SPELLING OUT PARA 6 OF THE U. S. PROPOSAL, WHICH WE CAN PRESENT TO GOE FOR ITS CONSIDERATION. THE SOONER WE PRESENT TEXT, THE SOONER WE CAN CONCLUDE THE NEEDED EXCHANGE. I HAVE NO REASON TO BELIEVE GOE WILL CHANGE ITS MIND ON ISSUE OF EXCHANGE OF NOTES. MEANWHILE, WE WILL HAVE TO WORK OUT PRACTICAL OPERATIONAL PROCEDURES TO INSURE SFM PERSONNEL AND THEIR WIVES RESIDENT IN CAIRO ARE PROPERLY HANDLED.
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